

REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office action, the Office noted that claims 1-6, 8-15, 18, 19, 21, 24 and 25 are pending and rejected. Applicants amend claims 9 and 10. Applicants have not introduced any new matter by way of the foregoing amendments.

In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated obvious under the provisions of 35 U.S.C. § 103. Thus, Applicants believe that all of these claims are now in condition for allowance.

REJECTION

The Office rejected claims 1-6, 8-15, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,225,322 ("*Folmsbee*") in view of U.S. Patent No. 7,380,275 ("*Srinivasan*") and claims 21 and 23-25 in view of *Folmsbee* in view of U.S. Patent No. 5,287,508 ("*Hejna*"). This rejection is traversed.

Amended claim 1 recites a combination of elements directed to a data processing unit for executing an encrypted software program. The combination of elements includes "a processor for decrypting the encrypted software program and for executing the software program, the processor including an identifying number functioning as a serial number for identifying the data processing unit, the identifying number being accessible only by the processor" Emphasis added. Amended, independent claims 6, 11, 19 and 21 recites similar features as those recited in claim 1.

Folmsbee, the art on which the Examiner relies to disclose these limitations, discloses a system that executes encrypted software code without performing decryption. In fact, *Folmsbee* explicitly states that the encrypted software code is not decrypted. For example, *Folmsbee* states "[t]he encrypted instructions are thus in a form that can only be

executed by a microprocessor configured according to the matching key. ... *Decryption is not performed* to provide standard op-codes, because the instruction decoder of the CPU 11 responds to encrypted op-codes." Col. 5, ll. 7-15 (emphasis added). *Folmsbee* further states that "[s]ince the execution of the code, as encrypted, is accomplished by the operation of the microprocessor, *no actual decryption algorithm* is needed. Therefore, it is possible to operate encrypted instructions in a computer *without decryption*." Col. 6, ll. 19-24 (emphasis added). *Folmsbee* also states "[t]he execution of encrypted software is accomplished by modifying instruction sets in a CPU, thereby *obviating the necessity for decrypting* encrypted software external of the CPU." Col. 22, ll. 23-26 (emphasis added). In fact, *Folmsbee* expressly teaches away from using decryption. See, e.g., col. 2, ll. 4-15 and 42-45. Therefore, *Folmsbee* cannot possibly be read to teach or even suggest decrypting software as required by claims 1, 6, 11, and 19 without ignoring express limitations of these claims and/or ignoring express teachings of *Folmsbee*, both of which are improper. As the Examiner merely relies on *Srinivasan* to disclose the serial number (identifying number) being accessible only by the processor, the Examiner has not made a prima facie case that claims 1, 6, 11, and 19 are obvious in view of *Folmsbee* and *Srinivasan*.

In view of the above, claims 1, 6, 11, and 19 are patentable over *Folmsbee* and *Srinivasan*. Claims 2-5, 8-10, 12-15, and 18 depend from one of claims 1, 6, and 11 and are thus patentable over *Folmsbee* and *Srinivasan* for at least the same reasons. Accordingly, withdrawal of this rejection is requested.

Claims 21 and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Folmsbee* in view of U.S. Patent No. 5,287,508 ("*Hejna*"). This rejection is traversed. Independent claim 21 explicitly recites "functioning as a serial number for identifying the data processing unit." Emphasis added. Clearly, this claim requires that a software program or file is decrypted. As explained in detail above, *Folmsbee*, the art on which the Examiner relies to disclose these limitations, does not teach that a software file is decrypted. Therefore, *Folmsbee* cannot possibly be read to teach or even suggest decrypting a software file as required by claim 21 without ignoring express limitations of the claim and/or ignoring express teachings of *Folmsbee*, both of which are improper. As the

Examiner merely relies on *Hejna* to disclose multiple processors, the Examiner has not made a prima facie case that claim 21 is obvious in view of *Folmsbee* and *Hejna*.

In view of the above, claim 21 is patentable over *Folmsbee* and *Hejna*. Claims 23-25 depend from claim 21 and are thus patentable over *Folmsbee* and *Hejna* for at least the same reasons. Accordingly, withdrawal of this rejection is requested.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 972-917-4365 or the office of the undersigned attorney at 972-917-5651 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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